

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FRAY LYNCH, :  
: Plaintiff, :  
: :  
v. : Civil Action No. 06-351 JJF  
: :  
CITY OF WILMINGTON, :  
: :  
Defendant. :  
:

**RULE 16 SCHEDULING ORDER**

WHEREAS, the Court held a status conference in the above-captioned matter on Wednesday, August 22, 2007;

WHEREAS, the Court will strike the Scheduling Order entered August 2, 2007 [D.I. 16];

NOW THEREFORE IT IS HEREBY ORDERED that:

1. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Stark for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate Judge Stark to schedule a settlement conference to commence in October 2007, and to be completed no later than the Pretrial Conference or a date ordered by the Court.

2. **Discovery.**

(a) All discovery shall be completed by **November 2, 2007**.

**3. Discovery Disputes.**

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf\_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

**4. Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any

non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.  
(c) No telephone calls shall be made to Chambers.  
(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

**5. Pretrial Conference.** A Pretrial Conference will be held on **November 15, 2007 at 11 a.m.**, in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware.

**6. Trial.** Trial in this matter will commence on **December 10, 2007**.

August 29, 2007  
DATE

  
UNITED STATES DISTRICT JUDGE